



# Town of Southern Shores

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Resolution 2008-11-04

## RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA, AMENDING PERSONNEL POLICY ARTICLE V, CONDITIONS OF EMPLOYMENT-LIGHT DUTY

**WHEREAS**, the Town Council for the Town of Southern Shores approved and adopted a personnel policy on August 5, 2003 (the "Town Personnel Policy"); and

**WHEREAS**, the Town Council approved and adopted the Town Personnel Policy in order to provide certain protections for the Town of Southern Shores and its employees; and

**WHEREAS**, the adoption and approval of an amendment to the Town's Personnel Policy detailing the eligibility, options and procedures associated with light-duty status would be in the best interests of the Town of Southern Shores and its employees.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of Southern Shores that the Town Personnel Policy Article V – Conditions of Employment be hereby amended to add Section 11-Light Duty as stated below:

### **Section 1. Purpose**

Ordinarily, the Town will not provide temporary job modifications to allow an employee to perform less than the usual or essential functions of their job. However, in order to serve as a cost-saving measure, to facilitate an employee's continued employment following a job related accident or occupational disease, and to minimize an employee's lost income during a temporary disability resulting from Town service, the Town may provide light-duty in accordance with this policy.

### **Section 2. Light Duty Defined**

"Light-Duty" is non-strenuous work or work which requires minimal physical activity. Such duties will only be provided if approved by the employee's physician and of benefit to the Town.

### **Section 3. Eligibility for Light-Duty Status**

An employee is eligible for light-duty status when the following conditions are met:

- a. The employee suffers from a job-related injury or illness and their claim is accepted by the worker's compensation administrator for the Town.

- b. The injury or disease temporarily restricts the employee's ability to perform the essential functions of his or her job. The employee must provide the Town with the certification of a licensed physician knowledgeable about the employee's condition(s) and the requirements of the job, which sets out a definite time after which the employee should be able to return to full duty. The physician must also certify that in the interim the employee can safely perform light-duty as described.
- c. Work beneficial to the Town must exist with duties which can safely be performed by a person within the restrictions indicated by the physician.

If all of these conditions are met, the Town may request and require the employee to return to light-duty work. An employee eligible for FMLA under the Town's FMLA policy may accept, but may not be compelled to accept, a light-duty position during their FMLA leave. An employee who elects not to accept a light-duty assignment while on FMLA leave will not be terminated for such election during their FMLA leave, but could be subject to a suspension or decrease in their worker's compensation benefits as determined by the worker's compensation administration.

The Town is under no obligation to create a position in order to offer any employee light-duty.

#### **Section 4. Approval Process for Light-Duty Status**

- a. Light-Duty status will only be approved if the proposed duties are needed by the Town.
- b. Light-Duty status must be approved by the Town Manager following consideration of recommendations by the department head, and the Personnel Officer.
- c. Light-Duty status should not extend for more than thirty days without review, an updated medical certification and approval by the Town Manager, following consideration of recommendations by the department head, and the Personnel Officer. If extended, similar reviews must occur every thirty days.
- d. Current employees in existing positions may not be replaced solely for purposes of making a light-duty position available.

#### **Section 5. Options Available for Light-Duty Status**

Light-Duty status may deviate from an employee's normal position, including, but not limited to as follows:


- a. The employee's schedule may provide for fewer working hours and/or different working hours.
- b. Duties may be different and/or the same as required in the employee's normal position.
- c. Light-Duty may be performed in a different department or under different supervision than the employee's normal position.
- d. Light-Duty responsibilities may be adjusted as the employee's recovery progresses.


## **Section 6. Return from Light-Duty Status to Regular Duty**

An employee will be returned to regular duty as soon as the employee's conditions permit. However, before an employee placed on light-duty status may be transferred back to regular duty, the employee must provide a physician's certification that he or she can return to work without restrictions. Return to regular duty must be approved by the Town Manager, following consideration of recommendations by the department head and the Personnel Officer. Once approved, the employee must immediately return to regular duty. Failure to comply with any requirements during a light-duty assignment or to perform adequately while on light-duty is grounds for discipline, including dismissal.

In no event will an employee be allowed to remain on light-duty for longer than 12 months. Employees who are unable to return to duty on their usual schedule and perform the essential functions of their usual position with or without a reasonable accommodation for a period of 12 consecutive months will be terminated except in those situations where additional leave is required by the ADA.

Adopted this 25<sup>th</sup> day of November, 2008.

  
Don Smith, Mayor



  
Carrie Gordin, Town Clerk